

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WINNETHA BENN-BURTON,

Plaintiff,

-vs-

ERIK K. SHINSEKI, Secretary
Department of Veteran's Affairs,

Defendant.

Case No. 10-10736

Hon: AVERN COHN

ORDER DENYING BILL OF COSTS

I.

This is an employment dispute case. The Court in its Memorandum And Order Granting Defendant's Motion For Summary Judgment (Doc. 41) granted defendant's motion for summary judgment (Doc. 28), and dismissed the case. Defendant filed a Bill of Costs (Doc. 43) in the amount of \$2,034.15. The Clerk of the Court entered a Taxed Bill of Costs (Doc. 44) in the amount of \$2,034.15. Plaintiff filed Objections to the Taxed Bill Of Costs (Doc. 45).

For the reasons which follow, costs are DENIED.

II.

Rule 54(d) provides that "[e]xcept when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs." Fed.R.Civ.P. 54(d). However, a district court "may disallow such an award at its discretion." *Huntsville Golf Development, Inc. v.*

Brindley Const. Co., Inc., 2011 WL 4960421 (MD Tenn Oct. 18, 2011) (*citing Knology v. Insight Communications Co. LP*, 460 F3d 722, 726 (6th Cir. 2006). “Circumstances in which the Sixth Circuit has found the denial of costs proper include “cases that are ‘close and difficult.’” *Allstate Ins. Co. v. Michigan Carpenters’ Council Health & Welfare Fund*, 760 F Supp 665, 670 (WD Mich 1991) (*quoting White & White, Inc. v. American Hosp. Supply Corp.*, 786 F2d 728, 730 (6th Cir. 1986)). The issues in dispute in this case were close and difficult. Therefore, costs will not be awarded.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 12, 2011

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 12, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160